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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 SHELLESE PAYTON,

8 Plaintiff,

9 v.

10 MIKE SHOEMYER, et al.,

11 Defendants.
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Case No. 2:12-cv-00999-APG-VCF

ORDER DISMISSING CASE

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14 On July 11, 2012, Magistrate Judge Ferenbach entered his Report and
15 Recommendation (Dkt. #4) recommending dismissal of Plaintiff's Complaint without
16 prejudice and giving Plaintiff leave to amend. No objection to the Report and
17 Recommendation was filed.

18 On August 27, 2012, District Judge Du entered her Order (Dkt. #5) adopting and
19 accepting Judge Ferenbach's July 11, 2012 Report and Recommendation. Judge Du
20 dismissed Plaintiff's Complaint without prejudice, and stated that "Plaintiff is given thirty
21 three (33) days from the date the Clerk mails Plaintiff a copy of this Order within which to
22 file an amended complaint remedying, if possible, the defects in the complaint explained
23 in the Magistrate Judge's Report and Recommendation. Any allegations, parties, or
24 requests for relief from prior papers that are not carried forward in the amended
25 complaint will no longer be before the court."

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1 To date, Plaintiff has not filed an Amended Complaint. Accordingly,

2 **IT IS HEREBY ORDERED** that this case is DISMISSED without prejudice.

3 Dated: June 5, 2013



4 ANDREW P. GORDON
5 UNITED STATES DISTRICT JUDGE
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